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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,578	06/11/2001	Steve Guilkey	38,146	2778

29569 7590 11/25/2002

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EXAMINER

GORDON, STEPHEN T

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<h1>Office Action Summary</h1>	Application 09/878,578	Applicant(s) Gilkey	
	Examiner Gordon	Art Unit 3612	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 10-23-02
- ☐ This action is **FINAL**. ☒ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 + 8-13 is/are pending in this application.
- Of the above claim(s) 9, 10 + 13 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 8 + 11-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. Claims 9, 10, and 13 are withdrawn from further consideration pursuant to 37

CFR 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper Nos. 3 and 6.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference character "112" has been used to designate both the adjustment strap cylinders and the raised edge. Additionally, reference number "212" has been used to designate both an eyelet and the hinge mechanism. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because labels ~~28~~ on figures ~~2~~ and ~~3~~ (4 places total) should each be --25--. Additionally, label 5 on figure 14 should apparently be --12--. Finally, labels ~~12~~ on figure ~~14~~ (2 places total) should apparently be --17--. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: label 315 (figures 8 and 9) and label ~~21~~ (figure 14, 2 places). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in

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reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities: "140" on page 6 - line 17 should apparently be --146-- (see figure 6, note "146" has not been cited in the instant specification text).

Appropriate correction is required.

6. Claims 1-5, 8, and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, in general the claim is very awkward and confusing. Additionally, "the end" and "the attached" lack clear antecedent basis.

Re claim 2, the recited transportation means is confusing and apparently constitutes a double inclusion of the transportation means of the base claim.

Re claim 3, the recited transportation means is confusing and apparently constitutes a double inclusion of the transportation means of the base claim.

Re claim 8, in general the claim is very awkward and confusing. Additionally, in line 1, one "which" should apparently be deleted. Finally, "a closed in" is not understood.

Re claim 11, in general the claim is very awkward and confusing. Additionally, "the adjustable straps" lacks antecedent support.

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Re claim 12, in general the claim is very awkward and confusing. Additionally, "the adjustable straps" lacks antecedent support. Finally, "runs" should be singular.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 5, and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lazarus.

Lazarus teaches a device for a transportation means defining a pole 20+, and end 24 defining tapered threads which reads on a pointed end as broadly claimed, and an attached base.

Re claim 2, elements 27 define straps as broadly claimed and as best understood.

Re claim 4, at least element 114+ reads on a cover as broadly claimed.

Re claim 5, at least element 21+ includes adjustment means as broadly claimed.

Re claim 8, the device defines screw threads as broadly recited and as best understood.

110-4156- 9. Claims ^{3,} 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Glaser teaches a transporting frame for sheet-type objects.

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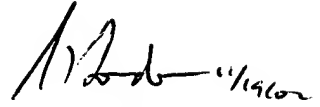
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556.

stg

November 19, 2002


STEPHEN T. GORDON
PRIMARY EXAMINER